UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CORRECTED

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s)	Pameia A. Burtord	Case No:	09-34274
Γhis plan, dated J u	ıl y 7, 2010 , is:		
	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the ☐ confirmed or ☐ unconfirmed Plan dated October 27, Date and Time of Modified Plan Confirming Hearing: August 25, 2010 @ 9:00 AM Place of Modified Plan Confirmation Hearing: 701 E.Broad Street, Richmond VA 5th Floor Rm 5		
	Plan provisions modified by this filing are: anding		
Cred ALL	itors affected by this modification are:		

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing. If no objections are timely filed, a confirmation hearing will NOT be held.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$16,807.00

Total Non-Priority Unsecured Debt: \$15,027.00 per timely filed proof of claims

Total Priority Debt: \$76.72 per timely filed proof of claims

Total Secured Debt: \$5,075.00

- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$4,563.00 total paid into plan in the 12 months (avg. of 380/mo), then \$75.00 Monthly for 2 months, then \$600.00 Monthly for 45 months.

 Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 31,713.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ __2,845.00 _ balance due of the total fee of \$ __3,000.00 _ concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
Chesterfield County - Taxes	Taxes and certain other debts	76.72	
-		POC	

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

Creditor
GMAC

2004 Chevrolet Cavilier Mileage 89,000
Adequate Protection: \$50/mo

Purchase Date
December 2004

Est Debt Bal.
9,000.00

S,075.00

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>-NONE-</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor GMAC

Collateral Description
2004 Chevrolet Cavilier Mileage
89.000

Adeq. Protection
Monthly Payment
50.00

To Be Paid By
Trustee

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

<u>Creditor</u> **GMAC** Collateral

let Cavilier Mile

Approx. Bal. of Debt or "Crammed Down" Value 5.075.00 Interest
Rate
5.25%

Monthly Paymt & Est. Term**

2004 Chevrolet Cavilier Mileage 89,000 Adequate Protection: \$50/mo

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 100%. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately 0%.
- B. Separately classified unsecured claims.

Creditor -NONE-

Basis for Classification

Treatment

- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Monthly
		Contract	Estimated	Arrearage
Creditor	<u>Collateral</u>	Payment	Arrearage	Payment
America's	Location: 5201 South Jessup Road,	1,439.01	0.00	
Servicing Corp.	Chesterfield VA			

LOAN MODIFICATION AS OF May

2009.

Father and Debtor own property together. Debtor is not on

mortgage. Debtor's brother is the only one on the mortgage: Charles

L. Burford. Tax Assessme

Lien

Complaint to Avoid Debtor is NOT on the mortgage Her brother, Charles Burford

is on the mortgage.

pending. \$0 payment if lien is avoided

Servicing Corp.

В. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular Contract	Estimated Interest	Term for	Monthly Arrearage
Creditor	Collateral	Payment	Arrearage Rate	Arrearage	Payment
-NONE-		<u>r ayment</u>	<u> </u>		<u>1 ayıncın</u>

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	Rate	<u>Claim</u>	Monthly Paymt& Est. Term**
-NONE-				

- Unexpired Leases and Executory Contracts. The debtor(s) move for assumption or rejection of the executory contracts and 6. leases listed below.
 - A. **Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

Creditor Type of Contract American Family Fitness **Gym Membership** **B.** Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

Creditor Type of Contract Arrearage For Arrears Cure Period

NONE
Monthly
Payment Estimated
for Arrears
Cure Period

- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u>

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:
 - (1) Upon confirmation of this plan, priority creditors are granted relief from the automatic stay only to the extent necessary to offset any pre-petition tax refund due to the debtor against any pre-petition tax liability owed by the debtor.
 - (2) Debtor's attorney's fees to be paid as a priority claim.
 - (3) The trustee can extend the plan up to 60 months to pay properly filed claims in this matter.
 - (4) The debtor will not MODIFY THE DEED, SELL, REFINANCE, OR MODIFY THE MORTGAGE without an order from the court.

Signatures:					
Dated: Ju	uly 6, 2010				
/s/ Pamela A	. Burford			/s/ Pia J. North	
Pamela A. B Debtor	urford			Pia J. North 29672 Debtor's Attorney	
Exhibits:		Debtor(s)' Budget (of Parties Served wi			
			Certificate of Service		
I cer Service List.	tify that on _	July 7, 2010 , I ma	ailed a copy of the foregoing to	the creditors and parties in in	nterest on the attached
			' Pia J. North a J. North 29672		_
			gnature		
		<u>R</u>	14 Midlothian Tpke; Suite 20 chmond, VA 23235-5291	2	_
			ddress 04) 323-3700		
			elephone No.		_

Ver. 09/17/09 [effective 12/01/09]

In re	Pamela	ΔR	urford
in re	Palliela	1 A. D	uriora

Debtor(s)

09-34274

Case No.

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS	OF DEBTOR AND S	POUSE		
Single	RELATIONSHIP(S): Son	AGE(S):			
Employment:	DEBTOR		SPOUSE		
Occupation	Financial Advisor				
Name of Employer	First Market Bank				
How long employed	August 2006				
Address of Employer	13700 Hull Street Road Midlothian, VA 23112				
	projected monthly income at time case filed)	-	DEBTOR		SPOUSE
	d commissions (Prorate if not paid monthly)	\$ _	2,400.75	\$	N/A
2. Estimate monthly overtime		\$_	0.00	\$	N/A
3. SUBTOTAL		\$_	2,400.75	\$	N/A
4. LESS PAYROLL DEDUCTION			272.00	¢	NI/A
a. Payroll taxes and social secb. Insurance	curity	\$ _	373.08	\$ _	N/A N/A
c. Union dues		\$ <u>-</u>	84.39 0.00	\$ \$	N/A N/A
d. Other (Specify):		φ _ \$	0.00	\$ —	N/A N/A
d. Other (Specify).		\$ _	0.00	\$	N/A
5. SUBTOTAL OF PAYROLL DE	EDUCTIONS	\$_	457.47	\$	N/A
6. TOTAL NET MONTHLY TAK	E HOME PAY	\$_	1,943.28	\$	N/A
7. Regular income from operation	of business or profession or farm (Attach detailed star	tement) \$_	0.00	\$	N/A
8. Income from real property		\$ _	0.00	\$	N/A
9. Interest and dividends		\$ _	0.00	\$	N/A
dependents listed above	ort payments payable to the debtor for the debtor's us	e or that of	0.00	\$	N/A
11. Social security or government	assistance	\$	0.00	\$	N/A
(Specify):			0.00	\$ — \$	N/A
12. Pension or retirement income			0.00	\$ —	N/A
13. Other monthly income (Specify): See Detailed	Income Attachment	\$	1,653.00	\$	N/A
())			.,	¥ <u> </u>	
14. SUBTOTAL OF LINES 7 THI	ROUGH 13	\$_	1,653.00	\$	N/A
15. AVERAGE MONTHLY INCO	ME (Add amounts shown on lines 6 and 14)	\$_	3,596.28	\$	N/A
16. COMBINED AVERAGE MOD	NTHLY INCOME: (Combine column totals from line	e 15)	\$	3,596	.28

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

Debtor is undergoing Surgery July 19, 2010. Anticipates unexpected expenses. Reducing payment to \$75.00 for 2 months to keep her from getting behind in other obligations.

In re Pamela A. Burford Case No. 09-34274

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED Detailed Income Attachment

Other Monthly Income:

Amortized tax refund	\$ 141.00	\$ N/A
Mother's contribution to household	\$ 600.00	\$ N/A
Brother's contribution to household	\$ 400.00	\$ N/A
Child support	\$ 362.00	\$ N/A
Incentive pay (average)	\$ 150.00	\$ N/A
Total Other Monthly Income	\$ 1,653.00	\$ N/A

In re Pamela A. Burford

Debtor(s)

09-34274

Case No.

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Comple expenditures labeled "Spouse."	te a separate	e schedule of
1. Rent or home mortgage payment (include lot rented for mobile home)	\$	0.00
a. Are real estate taxes included? Yes X No	T	
b. Is property insurance included? Yes No X		
2. Utilities: a. Electricity and heating fuel	\$	250.00
b. Water and sewer	\$	90.00
c. Telephone	\$	35.00
d. Other See Detailed Expense Attachment	\$	289.00
3. Home maintenance (repairs and upkeep)	\$	100.00
4. Food	\$	739.78
5. Clothing	\$	200.00
6. Laundry and dry cleaning	\$	40.00
7. Medical and dental expenses	\$	100.00
8. Transportation (not including car payments)	\$	128.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	200.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	124.00
b. Life	\$	0.00
c. Health	\$	0.00
d. Auto	\$	87.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)	<u> </u>	
(Specify) Personal Property Tax	\$	13.50
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	0.00
b. Other See Detailed Expense Attachment	\$	600.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other	\$	0.00
Other	\$	0.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	2,996.28
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:	_	
20. STATEMENT OF MONTHLY NET INCOME	Ф	0.500.00
a. Average monthly income from Line 15 of Schedule I	\$	3,596.28
b. Average monthly expenses from Line 18 above	\$	2,996.28
c. Monthly net income (a. minus b.)	\$	600.00

In re Pamela A. Burford

Debtor(s)

Case No. **09-34274**

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED **Detailed Expense Attachment**

Other Utility Expenditures:

Internet	\$	45.00
Dish Network	<u> </u>	97.00
Cell	<u> </u>	122.00
Trash	\$	25.00
Total Other Utility Expenditures	\$	289.00
Total Other Other Expenditures	Ψ	200.0

Other Installment Payments:

Grooming and toilitries	\$	100.00
Misc. expenses	<u> </u>	400.00
Vehicle upkeep 2004	\$	100.00
Total Other Installment Payments	 	600.00

Aegis Funding Corporation P.O. Box 421129 Houston, TX 77242 Citifinancial Po Box 499 Hanover, MD 21076 Jefferson Capital Systems PO Box 953185 Saint Louis, MO 63195-3185

Aegis Funding Corporation RegA CT Corporation 4701 Cox Road; Suite 301 Glen Allen, VA 23060-6802 Collection 700 Longwater Driv Norwell, MA 02061 Nat Fin Grp 6110 Executive Blv Suite 305 Rockville, MD 20852

Allstate Adj 1050 E Flamingo Rd Las Vegas, NV 89119

Comcast PO BOX 3002 Southeastern, PA 19398 Nationwide One Nationwide Plaza Columbus, OH 43215

America's Servicing Corp P.O. Box 1820 Newark, NJ 07101-1820 EquiData 724 Thimble Shoals Blvd Newport News, VA 23606 NCO P.O. Box 41421 Philadelphia, PA 19101

America's Servicing Corp. P.O. Box 37297 Baltimore, MD 21297 First Premier Bank Po Box 5524 Sioux Falls, SD 57117 Ntelos Post Office Box 580423 Charlotte, NC 28258-0423

American Family Fitness 9748 Midlothian Tpke Richmond, VA 23235 Focused Recovery Management 8306 Laurel Fair Circle Suite 200 Tampa, FL 33610 Pia J. North 8014 Midlothian Turnpike Suite 202 Richmond, VA 23235

Cash 2 U Payday Loans 13 6220 Hull Street Road; Suite C Richmond, VA 23224 GMAC Post Office Box 8135 Cockeysville, MD 21030 Rjm Acq Llc 575 Underhill Blvd Ste 2 Syosset, NY 11791

Check \$mart 7001 Post Road suite 200 Dublin, OH 43016 GMAC AB Corp Reg Agent GMAC Auto. Bank P.O. Box 1463 Richmond, VA 23218-1462 T Mobile Bankruptcy Dept P. O. Box 37380 Albuquerque, NM 87176

Chesterfield County - Taxes Richard A. Cordle, Treasurer Post Office Box 26585 Richmond, VA 23285-0088 Healthsouth 2760 Pelham Parkway Suite 1 Birmingham, AL 35214

Chippenham Johnston-Willis Post Office Box 13620 Richmond, VA 23225

Household Bank Post Office Box 17051 Baltimore, MD 21297-1051